

REMARKS

The cited references and the reasons given for the initial rejection of claim 1 have been carefully reviewed. Claim 1 has now been amended to clarify the respects in which the present invention differs from the prior art.

Amended claim 1 calls for a tab on each support arm that extends upwardly at a location that is both offset from and between the opposite ends of the support arm, with the tab functioning to provide a side barrier that resists lateral displacement of shoes off of the shoe retaining bars. The prior art fails to teach anything similar to this.

The principal reference upon which the Examiner has relied is a design patent to Malik. At best, any teaching found in the Malik patent relating to a tab is a continuous strip which is not offset from the ends of the arms and located between them but is instead coincident with both ends of the arms. This construction requires considerable more material than a simple, discreet tab that projects upwardly from a location that is both offset from and between the bars. Accordingly, even assuming that the Malik patent teaches a tab at all, it certainly does not teach a tab of the type and location and function set forth in amended claim 1. Further, the tab structure of amended claim 1 is a practical improvement in that it does not require the extensive amount of material required in the Malik construction. This is of considerable importance in that the weight and cost of shoe racks of this type must be minimized for commercial and practical reasons.

The other patent upon which the Examiner has relied is the patent to Whitehead. The Whitehead patent does not teach a shoe rack at all but instead relates to a sports rack. The Examiner has attempted to find a "tab" in the Whitehead device, but whatever there is in

Whitehead in the nature of a tab does not in any event form a side barrier to lateral displacement of shoes or anything else. The Whitehead device necessarily includes large side panels that provide solid barriers preventing anything from moving off of the sides of the rack. Again, this is disadvantageous in that it requires considerably more material and thus costs more and weighs more than a rack of the type taught only by the present Applicants.

Apparently, the Examiner considers the socket device 104 and the other socket device 102 to be “tabs” in the Whitehead structure. However, these devices are both coincident with the ends of the “arms”, and they are thus not offset from or located between the opposite ends of the arms. On the contrary, they are located at the ends of the arm much the same way as in the Malik patent. The upright piece in the Whitehead device is simply a part of a lattice work arrangement that is an integral part of the solid side panel and can in no sense be considered a tab and can in no sense be considered to perform the function required by the tab of the present invention.

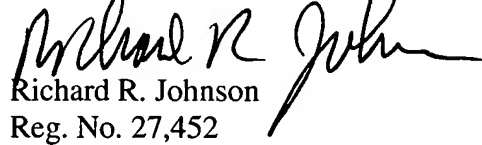
Claim 2 sets forth a structure that includes two discreet tabs that are offset from each other and from the ends of the arms. There is clearly nothing remotely similar found in any of the prior art, and claim 2 is submitted to be clearly allowable for this reason.

In summary, it is respectfully submitted that both of the claims presented for the consideration of the Examiner are allowable. Accordingly, a formal Notice of Allowance is believed to be in order and is respectfully requested in due course. If the Examiner believes that a telephone conference will in any way expedite the handling of this case, she is invited to call the number listed below at her convenience.

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The Commissioner is hereby authorized to charge any additional fees that are required, or credit any overpayment to Deposit Account No. 19-2112.

Respectfully submitted,


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